

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UMG RECORDINGS, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	No. 1:17-cv-00365-LY
GRANDE COMMUNICATIONS	)	
NETWORKS LLC,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT’S RESPONSE TO PLAINTIFFS’ OPPOSED MOTION TO EXTEND  
DEADLINE TO RESPOND TO MOTION FOR SUMMARY JUDGMENT**

The Court should deny Plaintiffs’ request for a one-week extension of time to respond to Defendant Grande Communications Networks LLC’s (“Grande”) Motion for Summary Judgment. Ordinarily, Grande would not oppose such a request. However, given the circumstances, Plaintiffs’ requested extension is inappropriate for at least three reasons.

First, Plaintiffs’ requested extension may jeopardize the parties’ ability to obtain a summary judgment ruling before trial. The final pretrial conference on December 14, 2018 is less than four months away. ECF No. 66 at 3. It is therefore critically important that the parties complete summary judgment briefing as soon as possible, so that the Court has sufficient time to rule on the parties’ motions. Any further delay creates a serious risk that the parties will not receive a summary judgment ruling in time for trial. *See* Jan. 3, 2018 Hrg. Tr. at 8:21-24, ECF No. 71 (the Court explaining that it will likely need 90-120 days to issue a summary judgment ruling once briefing is completed).

Second, in effect, Plaintiffs have already obtained an eleven-day extension of time to respond to Grande’s Motion for Summary Judgment. Grande originally filed its Motion on

August 10, 2018 (ECF No. 129), making Plaintiffs' response due on August 24, 2018. However, the Court dismissed the Motion without prejudice because it contained redactions (ECF No. 133), and Grande then re-filed the Motion—without substantive changes—on August 18, 2018 (ECF No. 140), moving Plaintiffs' response deadline to September 4, 2018. Thus, under the current deadline, Plaintiffs will have 25 days to prepare their response, which is more than sufficient.

Third, the parties' agreement to conduct certain depositions over the next few weeks, after the close of fact discovery, is not grounds for an extension. *See* Local Rule CV-16(d) ("Unopposed discovery may continue after the deadline for discovery contained in the scheduling order, provided that discovery does not delay other pretrial preparations or the trial setting."). Thus, even if the scheduled depositions could impact the summary judgment issues before the Court—which Plaintiffs do not suggest—they still would not provide a basis for an extension. In any event, both parties are represented by multiple sophisticated law firms with the ability and resources to multitask.

For the foregoing reasons, the Court should deny Plaintiffs' request for an extension of time to respond to Grande's Motion for Summary Judgment.

Dated: August 28, 2018

By: /s/ Richard L. Brophy

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 28, 2018, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(b)(1).

/s/ Richard L. Brophy  
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